

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

BARRY C. HIGGINBOTHAM, )  
                                )  
Plaintiff,                 )  
                                )  
v.                             )                           **2:06-CV-4780-VEH**  
                                )  
ALABAMA ALCOHOL BEVERAGE )  
CONTROL BOARD, ET AL.,     )  
                                )  
Defendants.                 )

**MEMORANDUM OF OPINION**

The magistrate judge filed findings and recommendation on August 9, 2007 recommending that the motions to dismiss (docs. #6 and #14) and the motion for summary judgment (doc. #13) be granted and that this action be dismissed. The parties were allowed an opportunity to file objections to the recommendation. No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**. Accordingly, the motions to dismiss and motion for summary judgment are due to be granted. A Final Judgment will be entered.

As to the foregoing it is **SO ORDERED** this the 7th day of September, 2007.

  
**VIRGINIA EMERSON HOPKINS**  
United States District Judge